

REMARKS

**Unity of Invention**

Claims 1-29 are pending and are subject to a Unity of Invention restriction under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1. (*See*, Office Action, at page 2). Applicants traverse as hereinafter set forth.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 10-17 and Species BDNF as the neurotrophic factor.**

According to MPEP § 803, if the search and examination of an entire application can be made without a serious burden, the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions. Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented. *See* MPEP § 1850. Since each of the claims is directed to treating a periodontal condition with a neurotrophic factor, by searching one group the Examiner is necessarily searching the other group since the claims are so closely related in subject matter. Therefore, it would not be undue burden to search all of claims 1-29.

As such, Applicants respectfully request that the Examiner rejoins Groups I - IV.

Reconsideration and withdrawal of the Unity of Invention Requirement of claims 1-29 are respectfully requested.

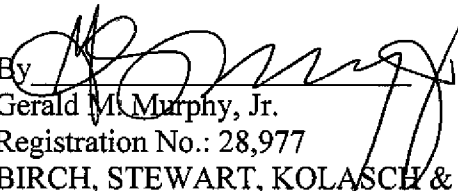

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 17, 2008

Respectfully submitted,

  
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